

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

CATHY JO SMITH,

Plaintiff,

v.

Civil Action No. 3:12CV218

LVNV FUNDING, LLC,

Defendant.

AMENDED ANSWER

Defendant LVNV Funding, LLC, (“LVNV”), by counsel, for its Amended Answer to the Complaint filed by Plaintiff herein, states as follows:

1. LVNV admits the allegations in Paragraph 1.
2. LVNV admits the allegations in Paragraph 2.
3. LVNV is uncertain as to where Plaintiff lives at this time, and, therefore, denies the allegation in Paragraph 3.
4. LVNV denies that its principal place of business is located in Greenville, South Carolina. LVNV admits the remaining allegations of Paragraph 4.
5. This allegation is a legal conclusion and does not require a response.
6. Except for admitting that the amount of the judgment debt obtained on January 18, 2007, was \$2,858.99, LVNV is without sufficient information or knowledge to either admit or deny the remaining allegations contained in Paragraph 6, and they are, therefore, denied.
7. The document attached as Exhibit A speaks for itself and does not require a response. To the extent a response is required, LVNV admits the allegations in Paragraph 7.

8. The document attached as Exhibit B speaks for itself and does not require a response. To the extent a response is required, LVNV admits the allegations in Paragraph 8.

9. The document attached as Exhibit C speaks for itself and does not require a response. To the extent that this allegation claims LVNV knew it had received any credit from Plaintiff in payments toward any particular judgment, that allegation is denied.

10. LVNV denies the allegations in Paragraph 10.

11. By its own statement, Paragraph 11 contains legal conclusions which do not require a response. To the extent a response is required, LVNV denies the factual allegations contained in Paragraph 11.

12. Paragraph 12 of the Complaint incorporates prior allegations contained in the Complaint. LVNV incorporates its prior responses.

13. By its own statement, Paragraph 13 contains legal conclusions which do not require a response. To the extent a response is required, LVNV denies the allegation contained in Paragraph 13.

14. By its own statement, Paragraph 14 contains legal conclusions which do not require a response. To the extent a response is required, LVNV denies the allegation contained in Paragraph 14.

Affirmative Defense(s)

LVNV asserts the following Defense(s):

15. LVNV asserts the bona fide error defense contained within 15 USC 1692k(c) based on the fact that LVNV relied in good faith on a system for collecting a debt against Plaintiff which presented a colorable basis for the balance owed. Furthermore, LVNV had nothing to do with the preparation and filing of Exhibit C. LVNV followed procedures reasonably calculated to lead to the proper recovery of a debt owed by the Plaintiff. If any inaccuracy arose

in the attempt to collect that debt, it was purely because of innocent mistake and LVNV is protected by the bona fide error defense.

WHEREFORE, Defendant LVNV denies that Plaintiff is entitled to recover any amount claimed in the Complaint from it and that it be awarded its costs and attorneys' fees as well as any other relief this Court deems just and appropriate.

Respectfully Submitted,

LVNV FUNDING, LLC,
By Counsel

/s/ J. Buckley Warden IV

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of June, 2012, a true and accurate copy of the foregoing Amended Answer to Complaint was served through CM/ECF, which will then send a notification of such filing to the following:

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